

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub-No. 772X)
CSX Transportation, Inc. – Abandonment Exemption
In Greenbrier and Nicholas Counties, West Virginia

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 USC § 10903 in connection with the abandonment of a line of railroad known as the G&E Subdivision in the Southern Region, Florence Division, in Greenbrier and Nicholas Counties, West Virginia. The rail line proposed for abandonment extends 14.4 miles between milepost CAJ 0.0, which begins at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and milepost CAJ 14.4 which is at the end of the main track on the G&E Subdivision, approximately 2 miles northeast of the town of Green Valley (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

CSXT submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment. CSXT seeks to consummate the abandonment, reclassify the line as spur track, and lease the spur track to a customer who plans to redevelop the site and use the reclassified spur track to reach its facility. CSXT intends to continue using the track and materials and leave bridges and culverts in place. CSXT served the Environmental and Historic Report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 772X).

According to CSXT, it has been more than two years since any local traffic has moved over the Line and, since this is not a through line, no overhead traffic has operated or would need to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; adversely impact the transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Salvage and disposal of a rail line typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. CSXT states that, if abandonment were authorized, the rail line would be reclassified as spur track. CSXT would leave the contour of the roadbed, bridges, and any existing drainage systems in place with limited removal of track or materials. CSXT states that no ballast would be removed and no soil disturbance would occur. The proposed abandonment would not involve the removal of any road crossings, as the track would continue to be used for rail service. Comments on the Environmental Report were submitted by several state and federal agencies and are discussed in the corresponding sections below.

Land Use

According to CSXT, the right-of-way along the Line is approximately 66 feet wide. According to information provided by CSXT, the Line crosses the Meadow River once, Meadow Creek three times, and Hominy Creek once, and often runs parallel to these waterways. The Line also crosses Bingham Road, County Road 44/2, Main Street, Home Drive, Forest Lane, and Jeep Trail. If abandonment were approved, CSXT would leave these crossings in place. The Line primarily passes through wooded areas, with some low-density residential, commercial, and industrial land use adjacent to the right-of-way. OEA has received no comments from local governments indicating that the proposed abandonment conflicts with local land use planning. Because CSXT plans to reclassify the Line to spur track and continue using it for rail transportation, OEA does not foresee any conflicts with current land use plans.

The United States Department of Agriculture, Natural Resource Conservation Service (NRCS) has indicated that the proposed abandonment appears to encompass the extent of the Line itself and not any of the adjacent undisturbed land surface. The Line, as NRCS describes it, having already been altered for nonagricultural use, is incapable of meeting the definition of prime farmland according to 7 C.F.R. 657.5; therefore, the proposed abandonment would not affect prime farmland.

Transportation and Safety

The proposed abandonment would not result in the addition or removal of any road crossings or bridges, nor result in any freight traffic being diverted from rail to truck

transportation. All appropriate structures, signage or signaling relating to safety in and near the Line or any road crossings would remain in place.

Coastal Zone Compliance

West Virginia does not have any designated coastal zones or a coastal zone management program.

Water Resources

According to CSXT, there are several bridges and culverts on the property, none of which are over 50 years old. CSXT does not intend to alter, remove, or dispose of any bridge structures on the Line.

CSXT plans to conduct abandonment activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to CSXT, abandonment activities would not cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill when redeveloping or upgrading the track material. CSXT states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

According to CSXT, no in-stream work, dredging, or use of fill materials are contemplated. Additionally, CSXT does not contemplate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. The West Virginia Department of Environmental Protection (WVDEP) has not, to date, commented on the potential need for a permit under Section 402 of the Clean Water Act (33 USC § 1342). Because the proposed abandonment would not result in the discharge of wastewater or storm water, OEA concurs with CSXT that a Section 402 permit likely would not be required. Accordingly, no mitigation related to impacts to water quality is recommended. OEA will provide a copy of this EA to WVDEP for review and comment.

To date, the US Army Corps of Engineers (Corps) has not commented on the potential impact of the proposed abandonment to waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 USC § 1344). Because abandonment activities would be limited and not involve alterations of any bridges over waterways, OEA concurs with CSXT that the proposed abandonment would not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, and that these activities would therefore not require a Section 404 permit. Accordingly, no mitigation related to impacts to waterways or wetlands is recommended. OEA will provide a copy of this EA to the Corps for review and comment.

Hazardous Materials

CSXT states that it is not aware of any releases of hazardous substances on or near the

Line. OEA's review has not found any federally listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

CSXT states in its report that the U.S. Fish and Wildlife Service (USFWS) responded to CSXT's request for comment with a determination that the proposed abandonment would have "no effect" on federally listed threatened or endangered species in the project area. To identify potentially-affected federally protected species, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system to identify federally protected species in the project area.²

Protected Species in Project Area	
Mammals	Status
Indiana bat (<i>Myotis sodalis</i>)	Endangered
Northern long-eared bat (<i>Myotis septentrionalis</i>)	Threatened
Virginia big-eared bat (<i>Corynorhinus townsendii virginianus</i>)	Endangered
Flowering plants	
Running buffalo clover (<i>Trifolium stoloniferum</i>)	Endangered
Small whorled pogonia (<i>Isotria medeoloides</i>)	Threatened
Virginia spiraea (<i>Spiraea virginiana</i>)	Threatened

According to the IPaC report, there are no designated critical habitats within the project area.

Due to the limited scope of the abandonment's proposed activities, OEA has determined that none of these species would be adversely affected by the proposed abandonment, and recommends no mitigation. The three species of bat potentially located within the project area would not be affected because any abandonment activities would occur within the right-of-way of an established rail line and no new access roads are proposed; the proposed abandonment would not involve activities that would alter or remove habitat for these species. The three flowering plant species, while potentially present in the area surrounding the right-of-way, are likely not found in the rail corridor, as weed control measures and routine maintenance would likely render the right-of-way inhospitable to any individuals of these species. OEA is submitting this EA to the West Virginia Fish and Wildlife Office for their review and comment.

Air Quality

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited September 21, 2017).

Because abandonment activities would be limited in scope and areal extent, and any air emissions associated with abandonment activities would be temporary, OEA believes that these operations would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from abandonment activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that abandonment activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies: Corps, USFWS, and WVDEP.

HISTORIC REVIEW

CSXT served the Historic Report on the West Virginia State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that additional information is needed to complete its review of the proposed abandonment. Accordingly, we are recommending a condition requiring the CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Consultation with Federally-Recognized Tribes

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.³ The database did not indicate any federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

³ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited September 21, 2017).

- **CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 USC § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the West Virginia State Historic Preservation Officer (SHPO), appropriate federally recognized tribes, and the public. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests if it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation

Board, Office of Public Assistance, Governmental Affairs, and Compliance, 395 E. Street SW, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 772X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: September 22, 2017.

Comment due date: October 10, 2017.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment